

RECEIVED
CENTRAL FAX CENTER
MAR 30 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Rillie)	Art Unit: 3637
)	
Serial No.: 09/823,474)	Examiner: Nguyen
)	
Filed: March 30, 2001)	1128.014
)	
For: <u>SKYLIGHT TUBE WITH REFLECTIVE FILM AND</u>)	March 30, 2006
<u>SURFACE IRREGULARITIES</u>)	750 B STREET, Suite 3120
)	San Diego, CA 92101
)	

RULE 312 AMENDMENT

Please amend the above-captioned application as follows. The application has been allowed, the issue fee has not yet paid. The amendment is believed to be proper under MPEP §716 because (A) it is needed for proper protection of the invention, and (B) it requires no substantial amount of work on the part of the Office, for the following reasons. Applicant intended that the surface irregularity of Claim 1 could be formed in any of the tube, the adhesive, or the film, and it is believed that the Examiner conducted examination accordingly.

However, Applicant recently has been made aware of Superguide Corp. v. DirectTV Enterprises, Inc., 358 F.3d 870 (Fed. Cir. 2004) in which a claim recitation of "at least one of A, B, C, and D" was held to minimally require at least one element from each of the categories A, B, C, and D, not one or more elements from one or more categories as intended in the present case, with the Federal Circuit noting that for the latter interpretation to hold, the conjunctive "or" should be used. Accordingly, the present amendment is believed to reconcile, with the Superguide case, both Applicant's intended claim scope and what Applicant

1128-14,AM2

Not OK
 to
 Enter
 10/24/06

CASE NO.: 1128.014
Serial No.: 09/823,474
March 30, 2006
Page 2

PATENT
Filed: March 30, 2001

believes to have been the examiner's understanding of the claimed invention, thus complying with the above-noted requirements of the MPEP.

Respectfully submitted,



John L. Rogitz
Registration No. 33,549
Attorney of Record
750 B Street, Suite 3120
San Diego, CA 92101
Telephone: (619) 338-8075

JLR:jg

1128-14.AM2